

EXHIBIT 5

Affidavit of Jonathan Monsarrat

AFFIDAVIT OF JONATHAN MONSARRAT

The undersigned submits the following information pursuant to the Digital Millennium Copyright Act, 17 U.S.C. § 512, in order to take down web content that infringes his copyrights.

DATED: November 8, 2016

1. Copyright Owner CONTACT INFORMATION:

I am the copyright owner of the Copyrighted Works that are the subject of the DMCA takedown notice; and I am represented by counsel in this matter and his contact information is:

Richard A. Goren, Esq.
Law Office of Richard Goren
One State Street Suite 1500
Boston MA 02109
617-933-9494
rgoren@richardgorenlaw.com
rgorenlaw@gmail.com

2. Identification of Copyrighted Work

The copyrighted works at issue are as follows:

1. Literary work consisting of text sent from account "mitcarpediem".
US Copyright Office Registration No. TXu001816801 dated February 15, 2011;
2. Literary work starting "Hey! Let" and ending "?Ciao, bella!".
US Copyright Office Registration No. TXu001816801 dated August 8, 2016;
3. Literary work starting "I'm laughing?" US Copyright Office
Registration No. TXu001816802 dated February 15, 2011;
4. Visual material Photographic work depicting performer in beaver costume
with MIT shirt. US Copyright Office Registration No. VAu001058248 dated
February 2, 2015;
5. Visual material "Websites of Jonathan Monsarrat." US Copyright Office
Registration No. VA0001876289 dated May 20, 2013.

3. Identification of Infringed Material.

The copyrighted works at issue are the text and visual images that appear on

<https://encyclopediadramatica.se/Jonmon>

[with auxiliary pages]

<https://encyclopediadramatica.se/Talk:Jonmon>,

<https://encyclopediadramatica.se/index.php?title=Jonmon&action=edit>

<https://encyclopediadramatica.se/index.php?title=Jonmon&action=history>

The visual materials complained of are in each instance copies of my copyrighted visual materials.

As to the literary works infringed, the following variations of my name were used as the search queries in Google. When a match was made to a work other than mine, I evaluated the extent of the copyright infringement. In all cases presented, entire paragraphs, and/or pages have been copied.

Query #1 Johnny Monsarrat

Query #2 Jon Monsarrat

Query #3 Jonathan Monsarrat

The URLs of the infringing search results are the same:

<https://encyclopediadramatica.se/Jonmon>

[with auxiliary pages]

<https://encyclopediadramatica.se/Talk:Jonmon>,

<https://encyclopediadramatica.se/index.php?title=Jonmon&action=edit>

<https://encyclopediadramatica.se/index.php?title=Jonmon&action=history>

4. Copyright Infringers Information.

a. <https://encyclopediadramatica.se>.

According to Whois.net this is a domain registered in Sweden and the holder is an unknown person identified only by the registration specification of “gotper6067-00001.”

domain: encyclopediadramatica.se
holder: gotper6067-00001
admin-c: -
tech-c: -
billing-c: -
created: 2012-03-21
modified: 2016-05-02
expires: 2017-03-21
transferred: 2016-05-02
nserver: rita.ns.cloudflare.com
nserver: jeff.ns.cloudflare.com
dnssec: unsigned delegation
status: ok
registrar: Key-Systems Gmbh

I do not know the identity of the owner of this website, this gotper6067-00001.

b. CloudFlare, Inc.

Upon information and belief CloudFlare, Inc. is an internet service provider that provides domain name servers for its customers as a means of providing content delivery network and reverse proxy services. According to Whois.net, Encyclopedia dramatica is a customer of CloudFlare, Inc.

My counsel is concurrently serving this affidavit and a separate takedown notice on each of:

Google Inc.
Attn: Customer Support, DMCA Complaints
1600 Amphitheatre Parkway
Mountain View, CA 94043

CloudFlare, Inc. at:

Kenneth Russell Carter, Esq.
Counsel to CloudFlare, Inc.
101 Townsend Street
San Francisco, CA 94107

5. Additional Information

Exhibit A is a copy of the complaint for infringement that on February 15, 2011 I brought in the United States District Court for the District of Massachusetts against a single individual defendant in civil action, 1:11-cv-10248-DPW. Exhibit B is a copy of the judgment in that case entered on February 1, 2012.

The infringing material, both literary and visual works, first appeared on the website www.encyclopediadramatica.com at <http://encyclopediadramatica.com/Ionmon> on or about March 3, in 2008.

In January of 2011 I filed a DMCA takedown notice with www.encyclopediadramatica.com's then designated DMCA agent; and the offending page(s) were initially taken down. However on February 6, 2011, the individual I later sued filed a counter notification under 17 U.S.C. §512 (g). I then engaged counsel and filed the infringement action.

After the February 1, 2012 entry of judgment in the District of Massachusetts permanently enjoining the individual defendant's infringement on the Encyclodiadramatica website, the infringing materials were taken down from the Encyclopediadramatica website.

However on or about April 1, 2014 the infringing material reappeared on Encyclopedia Dramatica's then Swedish registered website specifically at <https://encyclopediadramatica.se/Ionmon>

The material that is the subject of this November 2016 DMCA takedown notice infringes my five registered copyrights specified above. The five registered copyrights cover the same eight specific literary and visual works referenced in my 2011 complaint, the text and images listed above.

6. Copyright Owners Statement.

I have a good faith belief that use of the copyrighted materials described above on the allegedly infringing web pages is not authorized by me, the copyright owner, or by any agent of mine and in all events is not authorized or permitted by law.

I swear, under penalty of perjury, that to the best of my knowledge and belief the information in this affidavit is true and accurate and also that I am the copyright owner of the exclusive rights of copyright that are allegedly infringed.

Executed under the penalties of perjury in Cambridge Massachusetts, USA, this 8th day of November, 2016.

ss/Jonathan Monsarrat
Jonathan Monsarrat